

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)
)
(1) IVAN CRUZ-RIVERA and)
(2) CARLOS JIMENEZ)
)
Defendants.)
)
)
Docket No. 16-CR-40025-TSH

**DEFENDANT'S MOTION IN LIMINE TO PRECLUDE REFERENCE
TO A FIREARM FOUND AT THE TIME OF CRUZ-RIVERA'S ARREST**

The defendant, Carlos Jimenez, by and through undersigned counsel, hereby respectfully moves this Honorable Court to preclude the government from introducing testimony or other evidence of the firearm allegedly found in co-defendant Cruz-Rivera's possession at the time of his arrest. As grounds therefor, whether Cruz-Rivera owned/possessed a firearm is not relevant to any issue in the case. Moreover, Cruz-Rivera has not been charged with any crime in relation to the firearm. Indeed, Cruz-Rivera had a valid license for it in Puerto Rico. Its introduction would invite the jury to speculate as to its relevance thus raising the likelihood it might be considered for an improper purpose. The potential prejudice presented by its introduction substantially outweighs its probative value and necessarily would flow to the defendant in light of the closeness of the issues which will be presented at trial.

WHEREFORE, the defendant respectfully requests no reference be made to a firearm found in Cruz-Rivera's possession at the time of his arrest.

Dated: November 5, 2018

Respectfully submitted,
CARLOS JIMENEZ
By and through his attorneys,

/s/ R. Bradford Bailey
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Certificate of Service

I, R. Bradford Bailey, hereby certify that on this the 5th day of November, 2018, I caused a true copy of the foregoing motion to be served upon all necessary parties to this matter by virtue of electronically filing the same via the CM/ECF system.

/s/ R. Bradford Bailey
R. Bradford Bailey, Esq.